

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hercules Davis, III,)	Civil Action No.: 2:24-3693-BHH
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
South Carolina Department of Social Services,)	
)	
Defendant.)	
)	

Plaintiff Hercules Davis, III, proceeding *pro se* ("Plaintiff"), filed this action in the Court of Common Pleas for Dorchester County. (ECF No. 1-1.) On June 26, 2024, Defendant removed the action to this Court. (ECF No. 1.) On July 3, 2024, Defendant filed a motion to dismiss. (ECF No. 8.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), D.S.C., this matters were referred to a United States Magistrate Judge for preliminary review.

On August 26, 2024, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation ("Report"), outlining the issues and recommending that the Court grant Defendant's motion to dismiss. (ECF No. 16.) Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 16), and the Court grants Defendant’s motion to dismiss (ECF No. 8) and dismisses this action without prejudice and without leave to file an amended complaint.**

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

September 18, 2024
Charleston, South Carolina